EPA vs State Regulatory framework

	EPA	State
Basis of measurement	Risk	Dose, e.g. mrem/yr
Authority	CERCLA	NRC Agreement state
Requirement for closure	1X10^-4 risk for realistic scenario for reasonably anticipated future use	RRUR Letter – Radiological Unrestricted Release Recommendation 1. "Similar to reference" 2. ALARA – As Low as Reasonably Achievable 3. Unrestricted Use Note: No numerical limits (see response to audit, attached)
Disposal	• EPA does not regulate disposal • PRG Calculator "indoor worker" scenario will be protective for disposal scenario for buildings.	• Disposal in California needs RURR letter • Class 2 landfills can accept some rad waste, DTSC is researching with the Regional Board, which oversees Class 2 landfills. • Keller Canyon will not accept HPNS materials
RGs – soil	• Current RG's still in NCP Risk Range with IC ban on homegrown produce • Current RG's not in NCP Risk Range if unrestricted	RG's not relevant in State regulatory framework
RGs – buildings	• Residential (i.e. unrestricted) scenario – Almost all RGs would need significant reductions to reach NCP risk range • Indoor Worker (industrial, commercial, disposal scenario) – Some RG's would need some reducations to reach NCP risk range	RG's not relevant in State regulatory framework
Current RODs	• IRGs for soil and restrictions on homegrown produce • RGs for Buildings without specifying any restrictions	Do not specify State rad requirements Not ARARs because no promulgated regulations to specify criteria exist

CDPH public statements about its requirements:

Outside of Superfund requirements, the Navy cannot transfer property without a letter from the State of California giving a "recommendation for radiological unrestricted release" (RRUR). The California Department of Toxic Substances Control (DTSC) comment letter on the Parcel G Workplan requires the Navy to clean radionuclides to a stricter goal, that is, to the level of reference background or naturally occurring material.

'DTSC believes that a data point that exceeds an RG does not meet the RAO unless the Navy can demonstrate that the data point is NORM/background."

5. If data exceeds RAO/RGs, the Work Plan indicates that further evaluation would be conducted to determine whether Site conditions are protective of human health using US EPA's current guidance on Radiation Risk Assessment. This would not meet CDPH's requirement to obtain levels similar to naturally occurring levels and/or anthropogenic background levels. As stated in the enclosed CDPH memo, "a final status survey report that compares the distribution of data from the building/excavation sites with applicable reference area data and documents the remediation efforts" will be required. Soil concentrations that exceed RGs plus reference area data (background levels) cannot be left in place. If left in place, CDPH has indicated that it cannot issue a recommendation for radiological unrestricted release to DTSC. Therefore, the Work Plan needs to be revised accordingly.

[HYPERLINK "https://www.bsa.ca.gov/reports/responses/2007-114/5"]

Annual Follow-Up Agency Response From May 2016

After former Governor Davis issued his Executive Order (EO) directing California Department of Public Health (CDPH) to promulgate a "dose based" decommissioning standard, known as Radiological Criteria for License Termination (RCLT) by the U.S. Nuclear Regulatory Commission (NRC), CDPH determined costs of developing and promulgating such a standard/ criteria, was prohibitive and beyond the ability of the program to afford. CDPH continues to use the current, legal regulatory license termination process described in California Code of Regulations, Title 17, Section 30256, which consistently provided a more protective public health clean-up outcome than NRC's decommissioning standard of 25 millirem/year (mrem/yr). The decommissioning process in place is protective of public health and environment as evidenced by 1,272 license terminations tracked and documented since 2003 found only 4 exceeding a projected dose of 1 mrem/yr, and no site exceeded 3 mrem as compared to NRC's 25 mrem dose standard. This data demonstrates CDPH's decision not to adopt a specific dose-based release standard, but maintain its current case by case evaluation method led to residual dose results that are substantially lower than those that might be permitted under NRC's dose-based standard. By not developing a dose-based standard, protection of the public health's safety and environment has been strengthened. NRC accepted CDPH's process, as determined during the recent NRC audit, where the RHB was compatible and compliant with NRC RCLT requirements. CDPH believes requesting a rescission of the EO is problematic; the EO requires the State Water Resources Control Board and the Regional Water Quality Control Boards to enforce a moratorium barring the disposal of "decommissioned material" into unclassified waste management units or municipal landfills. By requesting the Governor to rescind this order, this enhanced environmental safety oversight would be eliminated.